

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

|                          |   |                     |
|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA | ) |                     |
|                          | ) | Case No. 4:09-cr-19 |
| v.                       | ) |                     |
|                          | ) | MATTICE / LEE       |
| FOSTER DAVIS, JR.        | ) |                     |
|                          | ) |                     |

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts Two and Three of the four-count Indictment; (2) accept Defendant's plea of guilty to Counts Two and Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts Two and Three of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 51]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 51] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts Two and Three of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Counts Two and Three of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts Two and

Three of the Indictment;

- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;  
and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is  
scheduled to take place on **Monday, August 16, 2010 at 9:00 a.m.** before the  
Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE